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AF # IFW

Atty. Dkt. No. 355492-2554

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas J. WHALEN, et al.
Title: NOVEL HIGH VISCOSITY
EMBOLIZING COMPOSITIONS
Appl. No.: 09/973,951
Filing Date: October 11, 2001
Examiner: S. Sarareh
Art Unit: 1617

CERTIFICATE OF EXPRESS MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 512614985 US July 23, 2004
(Express Mail Label Number) (Date of Deposit)

Rene Campos
(Printed Name)

Rene Campos
(Signature)

TRANSMITTAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Information Disclosure Statement for the above-identified application; including:

- ☒ [X] 1449 + duplicate (2);
- ☒ [X] Copy of cited art 2 foreign patents and 1 article;
- ☒ [X] Copy of Communication of Partial European Search Report (3 pgs.);
- ☒ [X] Check No. 852475 in the amount of \$180.00;
- ☒ [X] Return Receipt Postcard.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date July 23, 2004

By Lorna L. Tanner

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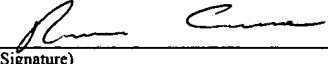
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Attorney for Applicant
Registration No. 50,782



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Applicant: Thomas J. WHALEN, et al.
Title: NOVEL HIGH VISCOSITY
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EV 512614985 US (Express Mail Label Number)	July 23, 2004 (Date of Deposit)
Rene Campos (Printed Name)	
 (Signature)	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted, if it has not already been submitted, to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without*

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07/26/2004 JBALINAN 00000117 09973951

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Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(d), before payment of the issue fee. The communication in the form of a partial search report by the European Patent Office is enclosed herewith.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this supplemental information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement. The Communication in the form of a partial search report by the European Patent Office is enclosed herewith.

FEE

A fee in connection with submission of a supplemental information disclosure statement under 37 CFR §1.97(d) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date July 23, 2004

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Form PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

355492-2554

SERIAL NO.

09/973,951

APPLICANT

Thomas J. WHALEN, et al.

FILING DATE

10/11/2001

GROUP ART UNIT

1617

INFORMATION DISCLOSURE CITATION

JUL 23 2004

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
		5,580,568	12-3-96	Greff, et al.	424	423	7-27-95

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
		00/71196 A1	11-30-00	WO				
		0 291 177 A2	4-14-88	EPO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Yamashita, et al. "Characteristics of Ethylene Vinyl Alcohol Copolymer (EVAL) Mixtures", AJNR Am. J. Neurodiology, 15:1103-1105 (1994)

EXAMINER**DATE CONSIDERED**

* **EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.